UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/404,163	09/27/1999	SARA ELO	SOM9-1999-00	8114

7590 03/25/2004	**EXAMINER**
WILLIAM E. LEWIS	SINGH, RACHNA
RYAN, MASON & LEWIS, LLP	

ART UNIT	PAPER NUMBER
2176	

WILLIAM E. LEWIS
RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY,, NY 11560

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _08 January 2004_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _16-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _16-27 and 29-32_ is/are rejected.

7) ☒ Claim(s) _28_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _3/2/04_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed 1/8/04.

2.   Claims 16-32 are pending. Claims 16, 31, and 32 are independent claims.

3.   New grounds of rejection introduced to overcome the U.S.C 103(c) exclusion of

the Britton et al. (US 6,535,896) reference due to the filing of a CPA on 7/11/03;

therefore, this office action is being made non-final.

Claim Objections

4.   Claim 28 is objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 16, 18, 20, 26, and 31-32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over <u>Beattie et al.</u>, US Patent 5,659,742, 8/19/97.

In reference to claims 16, 26, 31, and 32, Beattie teaches a method for storing

multimedia information in an information retrieval system. Beattie teaches having text

information and image information. Compare to *"storing the data received from the*

information source". He teaches that information retrieval systems are designed to

store and retrieve dynamic information provided by publishers of newspapers and

periodicals. See column 1, lines 15-36. Compare to *"creation of a dynamic representation from data received from an information source"*.

He further teaches that information retrieval systems are designed to store dynamic information provided by publishers of newspapers and periodicals. See column 1, lines 15-36. Beattie's system takes text from a query and retrieves the image associated with that text. See abstract and columns 1 and 38-39. Beattie's system teaches receiving text information and image information from a database and presenting them in a display to the user. See columns 38-39, lines 1-5. A query is used to identifies text in the data from an information source, thus the query module is in essence acting as the "text processing module" since it is able to identify the text instance in the data. Furthermore, Beattie's system is able to retrieve an image from an image database that relates to the text instance and present the results on a display. See column 38-39. See also figure 3. See also figures 4A-4C that show a document presented with text and video information on a user's personal computer. Compare to *"identifying at least one text instance. . . finding an image . . .relating to the least on text instance. . .generating a dynamic representation of the data from the image and the data"*. Beattie's system illustrates that it was well known in the art at the time of the invention to match an image to a particular text instance for publication of dynamic information. Beattie's system executes upon a query being generated; however one of ordinary skill in the art at the time of the invention would recognize that the claimed "text processing module" and the query module server the same purpose of identifying a text instance in the data from the information source, thus it would have

been obvious to one of ordinary skill in the art at the time of the invention to interpret the

text module as a query since it is simply identifying text in data which is what a query

does as well.

In reference to claims 18 and 20, Beattie teaches that the information (data)

provided in the information source is related to a newspaper or periodical.

In reference to claim 19, Beattie does not specifically state that the data

comprises an HTML document although he does disclose the information for electronic

transmission thus it would have been obvious to one of ordinary skill in the art to have

the data comprise an HTML document since it was a well known way at the time of the

invention to represent information electronically.

In reference to claim 22, Beattie does not state storing the data via a file transfer

protocol; however, it was notoriously well known to compress files for transmission over

ftp at the time of the invention.

In reference to claims 24 and 27, Beattie teaches a method in which text and

images are combined for each text instance submitted by a query. See column 38. The

text is associated with the text and the image data. Thus each text instance is

associated with an image and placed as a different category.

7.   Claims 17, 25, and 29-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97, as applied to claim 16

above, in view of Livingston et al., US Patent 6,424,979 B1, 7/23/02 (filed 12/30/98).

In reference to claim 17, 25, 29, and 30, Beattie does not teach transforming the

data and image into and XML object, creating an XSL style sheet, and combining the

two to produce an HTML file; however, Livingston does. Livingston teaches a system

for utilizing XML-based tools for a dynamic, web-based system called EAM. See

column 4, lines 1-10. Livingston's system discloses the following:

-Separating and storing content as "atomic" units of information that can be presented

and customized. This means text and graphics can be incorporated. See columns 4-5.

EAM stores information in a database which stores attributes about each unit of

information (image or graphic). The attributes can take the form of XML tags and

keywords thus allowing EAM to simplify the process of finding the information for each

user. See columns 5-6. EAM uses XML to assemble units of information into

meaningful documents. XML markup includes attributes in the database and can also

contain information used in cascading style sheets or other templates for on-screen

presentation. The XML file Compare to *"transforming the data and image into an*

XML object saved to an XML file in a storage disk". EAM uses XML to create a

dynamic environment on a user's screen through the use of style sheets. See column

7, lines 40-60. and column 12. Rules from style sheets are incorporated into the XML

pages to render the document. See column 12. The completed XML page is translated

into HTML to represent the data. Compare to *"creating at least one XSL style sheet .*

. .combining an XSL style sheet with the XML file to produce a HTML file

representing the dynamic representation of data." Livingston's stylesheet can

include an XSL style sheet as it is not limited to any type. Moreover, different

stylesheets represent different layouts. See column 12. Livingston further teaches

converting text and graphics into tag data in an XML document. See columns 5-6. It

would have been obvious to one of ordinary skill in the art to combine the teachings of Livingston with the system of Beattie since both are concerned with the dynamic representation of text and images. Moreover, utilizing XML objects in the system of Beattie allows the information to be presented to a user in various styles using style sheets thus making document presentation more versatile for presentation of different devices or for simply for variety in news information sources. See column 1 of Beattie and columns 5-6 of Livingston in which he teaches, "XML enables EAM to simplify the process of finding and assembling the right information for each user."

8.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97 in view of Kazi et al., US Patent 6,438,543, 8/20/02 (filed 6/17/99).

In reference to claim 23, Beattie does not teach processing names in the text; however, Kazi teaches analyzing and processing names in text. Kazi discloses that Nominator is used to extract proper names from the text document. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kazi's system with Beattie's system identify proper names since it is common to associate images with Proper names comprising of people and places. Since Beattie's system is utilized to provide images with matching text, Kazi's system can be used to further its use with the detection of Proper Names for which images are often associated.

9.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97 in view of Nelson et al., US Patent 6,243,713, 6/5/01 (filed 8/24/98).

In reference to claim 21, Beattie does not teach identifying an offset and a length of each text occurrence; however, Nelson does. Nelson teaches taking into account the positions and descriptive data content such as an offset. See column 2, lines 28-64. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beattie's system with Nelson's descriptive content in order to take advantage of the fact that certain text may be present in a particular portion of a document or in proximity to another component such as an image which would aid in the matching process. See column 2.

Response to Arguments

10.   The Britton et al. (US 6,535,896) reference has been withdrawn in order to comply with the 103(c) rules following the Applicant's filing of a CPA. New rejections are presented above.

Applicant argues that "a proper 103(a) rejection must expressly specify how the cited references teach or suggest all the claim limitations." Examiner notes that in both this and previous office actions, the Examiner has specified exactly which limitations correspond to the reference sections cited in the independent claims. Please see rejections above in view of the fact that the use of quotations in bold and italics will indicate the limitation being discussed after noting the section and column number used in the reference. Thus examiner maintains that each individual element of the independent claims are described clearly.

Applicant argues that Beattie fails to disclose the creation of a dynamic representation from data received from an information source. Examiner disagrees.

Beattie teaches a method for storing multimedia information in an information retrieval

system. Beattie teaches having text information and image information. He teaches

that information retrieval systems are designed to store and retrieve dynamic

information provided by publishers of newspapers and periodicals. See column 1, lines

15-36. Compare to *"creation of a dynamic representation from data received from*

an information source". Applicant argues that Beattie teaches "a query which returns

multimedia results". While this may be true, the Applicant's claimed invention does not

differ from the features of Beattie since it is still able to create a dynamic representation

from data and it is also able to "identify text instances". Specifically, Beattie teaches a

query that returns multimedia results for display on a display system. See columns 38-

39, lines 1-5.Thus Beattie's system is creating a "dynamic representation from data

received from an information source".

Applicant further argues that Beattie fails to disclose the storing of data received

from the information source and a text processing module that identifies text instances

in data and an image database module that finds an image relating to the text instance.

Beattie's system teaches receiving text information and image information from a

database and presenting them in a display to the user. See columns 38-39, lines 1-5.

A query is used to identifies text in the data from an information source, thus the query

module is in essence acting as the "text processing module" since it is able to identify

the text instance in the data. See rejection above. Furthermore, Beattie's system is

able to retrieve an image from an image database that relates to the text instance and

present the results on a display. See column 38-39. See also figure 3. See also

figures 4A-4C which show a document presented with text and video information on a user's personal computer.

Livingston et al. reference has been utilized to cure the U.S.C 103(c) deficiency of the earlier Britton et al. reference. Please see rejections above.

Conclusion

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 703.305.1952. The examiner can normally be reached on M-F (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 703.305.9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

RS
3/18/04

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER